

HOUSE BILL NO. 4771

June 20, 2019, Introduced by Reps. Reilly, Steven Johnson and Lower and referred to the Committee on Military, Veterans and Homeland Security.

A bill to amend 1927 PA 372, entitled

"An act to regulate and license the selling, purchasing, possessing, and carrying of certain firearms, gas ejecting devices, and electro-muscular disruption devices; to prohibit the buying, selling, or carrying of certain firearms, gas ejecting devices, and electro-muscular disruption devices without a license or other authorization; to provide for the forfeiture of firearms and electro-muscular disruption devices under certain circumstances; to provide for penalties and remedies; to provide immunity from civil liability under certain circumstances; to prescribe the powers and duties of certain state and local agencies; to prohibit certain conduct against individuals who apply for or receive a license to carry a concealed pistol; to make appropriations; to prescribe certain conditions for the appropriations; and to repeal all acts and parts of acts inconsistent with this act,"



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by amending sections 2, 2a, 5b, 5o, 12, and 15 (MCL 28.422, 28.422a, 28.425b, 28.425o, 28.432, and 28.435), section 2 as amended by 2015 PA 200, section 2a as amended by 2016 PA 301, sections 5b and 5o as amended by 2017 PA 95, section 12 as amended by 2010 PA 209, and section 15 as added by 2000 PA 265.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2. (1) Except as otherwise provided in this act, a person
2 shall not purchase ~~, carry, possess, or transport~~ a pistol in this
3 state without first having obtained a license for the pistol as
4 prescribed in this section.

5 ~~(2) A person who brings a pistol into this state who is on
6 leave from active duty with the armed forces of the United States
7 or who has been discharged from active duty with the armed forces
8 of the United States shall obtain a license for the pistol within
9 30 days after his or her arrival in this state.~~

10 (2) ~~(3)~~—The commissioner or chief of police of a city,
11 township, or village police department that issues licenses to
12 purchase ~~, carry, possess, or transport~~ pistols, or his or her duly
13 authorized deputy, or the sheriff or his or her duly authorized
14 deputy, in the parts of a county not included within a city,
15 township, or village having an organized police department, in
16 discharging the duty to issue licenses shall with due speed and
17 diligence issue licenses to purchase ~~, carry, possess, or transport~~
18 pistols to qualified applicants unless he or she has probable cause
19 to believe that the applicant would be a threat to himself or
20 herself or to other individuals, or would commit an offense with
21 the pistol that would violate a law of this or another state or of
22 the United States. An applicant is qualified if all of the
23 following circumstances exist:



1 (a) The ~~person~~**individual** is not subject to an order or
2 disposition for which he or she has received notice and an
3 opportunity for a hearing, and which was entered into the law
4 enforcement information network under any of the following:

5 (i) Section 464a of the mental health code, 1974 PA 258, MCL
6 330.1464a.

7 (ii) Section 5107 of the estates and protected individuals
8 code, 1998 PA 386, MCL 700.5107, or section 444a of former 1978 PA
9 642.

10 (iii) Section 2950 of the revised judicature act of 1961, 1961
11 PA 236, MCL 600.2950.

12 (iv) Section 2950a of the revised judicature act of 1961, 1961
13 PA 236, MCL 600.2950a.

14 (v) Section 14 of 1846 RS 84, MCL 552.14.

15 (vi) Section 6b of chapter V of the code of criminal procedure,
16 1927 PA 175, MCL 765.6b, if the order has a condition imposed under
17 section 6b(3) of chapter V of the code of criminal procedure, 1927
18 PA 175, MCL 765.6b.

19 (vii) Section 16b of chapter IX of the code of criminal
20 procedure, 1927 PA 175, MCL 769.16b.

21 (b) The ~~person~~**individual** is 18 years of age or older or, if
22 the seller is licensed under 18 USC 923, is 21 years of age or
23 older.

24 (c) The ~~person~~**individual** is a citizen of the United States or
25 an alien lawfully admitted into the United States and is a legal
26 resident of this state. For the purposes of this section, ~~a person~~
27 **an individual** is considered a legal resident of this state if any
28 of the following apply:

29 (i) The ~~person~~**individual** has a valid, lawfully obtained



1 Michigan driver license issued under the Michigan vehicle code,
2 1949 PA 300, MCL 257.1 to 257.923, or an official state personal
3 identification card issued under 1972 PA 222, MCL 28.291 to 28.300.

4 (ii) The ~~person~~**individual** is lawfully registered to vote in
5 this state.

6 (iii) The ~~person~~**individual** is on active duty status with the
7 United States ~~armed forces~~**Armed Forces** and is stationed outside of
8 this state, but the ~~person's~~**individual's** home of record is in this
9 state.

10 (iv) The ~~person~~**individual** is on active duty status with the
11 United States ~~armed forces~~**Armed Forces** and is permanently
12 stationed in this state, but the ~~person's~~**individual's** home of
13 record is in another state.

14 (d) A felony charge or a criminal charge listed in section 5b
15 against the ~~person~~**individual** is not pending at the time of
16 application.

17 (e) The ~~person~~**individual** is not prohibited from possessing,
18 using, transporting, selling, purchasing, carrying, shipping,
19 receiving, or distributing a firearm under section 224f of the
20 Michigan penal code, 1931 PA 328, MCL 750.224f.

21 (f) The ~~person~~**individual** has not been adjudged insane in this
22 state or elsewhere unless he or she has been adjudged restored to
23 sanity by court order.

24 (g) The ~~person~~**individual** is not under an order of involuntary
25 commitment in an inpatient or outpatient setting due to mental
26 illness.

27 (h) The ~~person~~**individual** has not been adjudged legally
28 incapacitated in this state or elsewhere. This subdivision does not
29 apply to a ~~person~~**an individual** who has had his or her legal



1 capacity restored by order of the court.

2 **(3)** ~~(4) Applications~~ **An applicant** for ~~licenses~~ **a license** under
 3 this section shall be ~~signed by the applicant~~ **sign the application**
 4 under oath ~~upon forms~~ **on a form** provided by the director of the
 5 department of state police. ~~Licenses~~ **A licensing authority shall**
 6 **issue a license** to purchase ~~, carry, possess, or transport~~ pistols
 7 shall be ~~executed in triplicate upon forms~~ **on a form** provided by
 8 the director of the department of state police. ~~and shall be signed~~
 9 ~~by the~~ **The licensing authority shall sign any license issued under**
 10 **this section.** ~~Three~~ **The licensing authority shall deliver 3** copies
 11 of the license ~~shall be delivered to the applicant. by the~~
 12 ~~licensing authority.~~ A license is void unless used within 30 days
 13 after the date it is issued.

14 **(4)** ~~(5)~~ If an individual purchases or otherwise acquires a
 15 pistol, the seller shall fill out the license forms describing the
 16 pistol, together with the date of sale or acquisition, and sign his
 17 or her name in ink indicating that the pistol was sold to or
 18 otherwise acquired by the purchaser. The purchaser shall also sign
 19 his or her name in ink indicating the purchase or other acquisition
 20 of the pistol from the seller. The seller may retain a copy of the
 21 license as a record of the transaction. The purchaser shall receive
 22 2 copies of the license. The purchaser shall return 1 copy of the
 23 license to the licensing authority within 10 days after the date
 24 the pistol is purchased or acquired. The return of the copy to the
 25 licensing authority may be made in person or may be made by first-
 26 class mail or certified mail sent within the 10-day period to the
 27 proper address of the licensing authority. A purchaser who fails to
 28 comply with the requirements of this subsection is responsible for
 29 a state civil infraction and may be fined not more than \$250.00. If



1 a purchaser is found responsible for a state civil infraction under
2 this subsection, the court shall notify the department of state
3 police of that determination.

4 (5) ~~(6)~~—Within 10 days after receiving the license copy
5 returned under subsection ~~(5)~~, ~~(4)~~, the licensing authority shall
6 electronically enter the information into the pistol entry database
7 as required by the department of state police if it has the ability
8 to electronically enter that information. If the licensing
9 authority does not have that ability, the licensing authority shall
10 provide that information to the department of state police in a
11 manner otherwise required by the department of state police. Any
12 licensing authority that provided pistol descriptions to the
13 department of state police under former section 9 of this act shall
14 continue to provide pistol descriptions to the department of state
15 police under this subsection. Within 48 hours after entering or
16 otherwise providing the information on the license copy returned
17 under subsection ~~(5)~~ ~~(4)~~ to the department of state police, the
18 licensing authority shall forward the copy of the license to the
19 department of state police. The purchaser has the right to obtain a
20 copy of the information placed in the pistol entry database under
21 this subsection to verify the accuracy of that information. The
22 licensing authority may charge a fee not to exceed \$1.00 for the
23 cost of providing the copy. The licensee may carry, use, possess,
24 and transport the pistol for 30 days beginning on the date of
25 purchase or acquisition only while he or she is in possession of
26 his or her copy of the license. However, the person is not required
27 to have the license in his or her possession while carrying, using,
28 possessing, or transporting the pistol after this period.

29 (6) ~~(7)~~—This section does not apply to the purchase of pistols



1 from wholesalers by dealers regularly engaged in the business of
2 selling pistols at retail, or to the sale, barter, or exchange of
3 pistols kept as relics or curios not made for modern ammunition or
4 permanently deactivated.

5 (7) ~~(8)~~—This section does not prevent the transfer of
6 ownership of pistols to an heir or devisee, whether by testamentary
7 bequest or by the laws of intestacy regardless of whether the
8 pistol is registered with this state. An individual who has
9 inherited a pistol shall obtain a license as required in this
10 section within 30 days ~~of~~**after** taking physical possession of the
11 pistol. The license may be signed by a next of kin of the decedent
12 or the person authorized to dispose of property under the estates
13 and protected individuals code, 1998 PA 386, MCL 700.1101 to
14 700.8206, including when the next of kin is the individual
15 inheriting the pistol. If the heir or devisee is not qualified for
16 a license under this section, the heir or devisee may direct the
17 next of kin or person authorized to dispose of property under the
18 estates and protected individuals code, 1998 PA 386, MCL 700.1101
19 to 700.8206, to dispose of the pistol in any manner that is lawful
20 and the heir or devisee considers appropriate. The person
21 authorized to dispose of property under the estates and protected
22 individuals code, 1998 PA 386, MCL 700.1101 to 700.8206, is not
23 required to obtain a license under this section if he or she takes
24 temporary lawful possession of the pistol in the process of
25 disposing of the pistol pursuant to the decedent's testamentary
26 bequest or the laws of intestacy. A law enforcement agency may not
27 seize or confiscate a pistol being transferred by testamentary
28 bequest or the laws of intestacy unless the heir or devisee does
29 not qualify for obtaining a license under this section and the next



1 of kin or person authorized to dispose of property under the
 2 estates and protected individuals code, 1998 PA 386, MCL 700.1101
 3 to 700.8206, is unable to retain his or her temporary possession of
 4 the pistol or find alternative lawful storage. If a law enforcement
 5 agency seizes or confiscates a pistol under this subsection, the
 6 heir or devisee who is not qualified to obtain a license under this
 7 section retains ownership interest in the pistol and, within 30
 8 days ~~of~~**after** being notified of the seizure or confiscation, may
 9 file with a court of competent jurisdiction to direct the law
 10 enforcement agency to lawfully transfer or otherwise dispose of the
 11 pistol. A pistol seized under this subsection ~~shall~~**must** not be
 12 destroyed, sold, or used while in possession of the seizing entity
 13 or its agents until 30 days have passed since the heir or devisee
 14 has been notified of the seizure and no legal action regarding the
 15 lawful possession or ownership of the seized pistol has been filed
 16 in any court and is pending. As used in this subsection:

17 (a) "Devisee" means that term as defined in section 1103 of
 18 the estates and protected individuals code, 1998 PA 386, MCL
 19 700.1103.

20 (b) "Heir" means that term as defined in section 1104 of the
 21 estates and protected individuals code, 1998 PA 386, MCL 700.1104.

22 **(8)** ~~(9)~~An individual who is not a resident of this state is
 23 not required to obtain a license under this section if all of the
 24 following conditions apply:

25 (a) The individual is licensed in his or her state of
 26 residence to purchase, carry, or transport a pistol.

27 (b) The individual is in possession of the license described
 28 in subdivision (a).

29 (c) The individual is the owner of the pistol he or she



1 possesses, carries, or transports.

2 (d) The individual possesses the pistol for a lawful purpose.

3 (e) The individual is in this state for a period of 180 days
4 or less and does not intend to establish residency in this state.

5 (9) ~~(10)~~—An individual who is a nonresident of this state
6 shall present the license described in subsection ~~(9)(a)~~ **(8)(a)**
7 upon the demand of a police officer. An individual who violates
8 this subsection is guilty of a misdemeanor punishable by
9 imprisonment for not more than 90 days or a fine of not more than
10 \$100.00, or both.

11 (10) ~~(11)~~—The licensing authority may require ~~a person an~~
12 **individual** claiming active duty status with the United States ~~armed~~
13 ~~forces~~ **Armed Forces** to provide proof of 1 or both of the following:

14 (a) The ~~person's~~ **individual's** home of record.

15 (b) Permanent active duty assignment in this state.

16 (11) ~~(12)~~—This section does not apply to ~~a person an~~
17 **individual** who is younger than the age required under subsection
18 ~~(3)(b)~~ **(2)(b)** and who possesses a pistol if all of the following
19 conditions apply:

20 (a) The ~~person~~ **individual** is not otherwise prohibited from
21 possessing that pistol.

22 (b) The ~~person~~ **individual** is at a recognized target range.

23 (c) The ~~person~~ **individual** possesses the pistol for the purpose
24 of target practice or instruction in the safe use of a pistol.

25 (d) The ~~person~~ **individual** is in the physical presence and
26 under the direct supervision of any of the following:

27 (i) The ~~person's~~ **individual's** parent.

28 (ii) The ~~person's~~ **individual's** guardian.

29 (iii) An individual who is 21 years of age or older, who is



1 authorized by the ~~person's~~**individual's** parent or guardian, and who
 2 has successfully completed a pistol safety training course or class
 3 that meets the requirements of section 5j(1)(a), (b), or (d), and
 4 received a certificate of completion.

5 (e) The owner of the pistol is physically present.

6 **(12)** ~~(13)~~ This section does not apply to a ~~person-an~~
 7 **individual** who possesses a pistol if all of the following
 8 conditions apply:

9 (a) The ~~person~~**individual** is not otherwise prohibited from
 10 possessing a pistol.

11 (b) The ~~person~~**individual** is at a recognized target range or
 12 shooting facility.

13 (c) The ~~person~~**individual** possesses the pistol for the purpose
 14 of target practice or instruction in the safe use of a pistol.

15 (d) The owner of the pistol is physically present and
 16 supervising the use of the pistol.

17 **(13)** ~~(14)~~ A person who forges any matter on an application for
 18 a license under this section is guilty of a felony, punishable by
 19 imprisonment for not more than 4 years or a fine of not more than
 20 \$2,000.00, or both.

21 **(14)** ~~(15)~~ A licensing authority shall implement this section
 22 during all of the licensing authority's normal business hours and
 23 shall set hours for implementation that allow an applicant to use
 24 the license within the time period set forth in subsection ~~(4)~~**(3)**.

25 Sec. 2a. (1) The following individuals are not required to
 26 obtain a license under section 2 to purchase ~~, carry, possess, use,~~
 27 ~~or transport~~ a pistol:

28 (a) An individual licensed under section 5b, except for an
 29 individual who has an emergency license issued under section 5a(4)



1 or a receipt serving as a concealed pistol license under section
2 5b(9) or 5l(3).

3 (b) A federally licensed firearms dealer.

4 (c) An individual who purchases a pistol from a federally
5 licensed firearms dealer in compliance with 18 USC 922(t).

6 (d) An individual currently employed as a police officer who
7 is licensed or certified under the Michigan commission on law
8 enforcement standards act, 1965 PA 203, MCL 28.601 to 28.615.

9 (2) If an individual described in subsection (1) purchases or
10 otherwise acquires a pistol, the seller shall complete a record in
11 triplicate on a form provided by the department of state police -
12 ~~The record shall include~~ **that includes** the purchaser's concealed
13 weapon license number, the number of the purchaser's license or
14 certificate issued under the Michigan commission on law enforcement
15 standards act, 1965 PA 203, MCL 28.601 to 28.615, or, if the
16 purchaser is a federally licensed firearms dealer, his or her
17 dealer license number. If the purchaser is not licensed under
18 section 5b or does not have a license or certificate issued under
19 the Michigan commission on law enforcement standards act, 1965 PA
20 203, MCL 28.601 to 28.615, and is not a federally licensed firearms
21 dealer, the record ~~shall~~ **must** include the dealer license number of
22 the federally licensed firearms dealer who is selling the pistol.
23 The purchaser shall sign the record. The seller may retain 1 copy
24 of the record. The purchaser shall receive 2 copies of the record
25 and forward 1 copy to the police department of the city, village,
26 or township in which the purchaser resides, or, if the purchaser
27 does not reside in a city, village, or township having a police
28 department, to the county sheriff, within 10 days following the
29 purchase or acquisition. The return of the copy to the police



1 department or county sheriff may be made in person or may be made
2 by first-class mail or certified mail sent within the 10-day period
3 to the proper address of the police department or county sheriff. A
4 purchaser who fails to comply with the requirements of this
5 subsection is responsible for a state civil infraction and may be
6 fined not more than \$250.00. If a purchaser is found responsible
7 for a state civil infraction under this subsection, the court shall
8 notify the department of state police. If the purchaser is licensed
9 under section 5b, the court shall notify the licensing authority of
10 that determination.

11 (3) Within 10 days after receiving the record copy returned
12 under subsection (2), the police department or county sheriff shall
13 electronically enter the information into the pistol entry database
14 as required by the department of state police if it has the ability
15 to electronically enter that information. If the police department
16 or county sheriff does not have that ability, the police department
17 or county sheriff shall provide that information to the department
18 of state police in a manner otherwise required by the department of
19 state police. Any police department or county sheriff that provided
20 pistol descriptions to the department of state police under former
21 section 9 of this act shall continue to provide pistol descriptions
22 to the department of state police under this subsection. Within 48
23 hours after entering or otherwise providing the information on the
24 record copy returned under subsection (2) to the department of
25 state police, the police department or county sheriff shall forward
26 the copy of the record to the department of state police. The
27 purchaser has the right to obtain a copy of the information placed
28 in the pistol entry database under this subsection to verify the
29 accuracy of that information. The police department or county



1 sheriff may charge a fee not to exceed \$1.00 for the cost of
 2 providing the copy. The purchaser may carry, use, possess, and
 3 transport the pistol for 30 days beginning on the date of purchase
 4 or acquisition only while he or she is in possession of his or her
 5 copy of the record. However, the person is not required to have the
 6 record in his or her possession while carrying, using, possessing,
 7 or transporting the pistol after this period.

8 (4) This section does not apply to a person or entity exempt
 9 under section ~~2(7)~~. **2(6)**.

10 (5) An individual who makes a material false statement on a
 11 sales record under this section is guilty of a felony punishable by
 12 imprisonment for not more than 4 years or a fine of not more than
 13 \$2,500.00, or both.

14 (6) The department of state police may promulgate rules to
 15 implement this section.

16 (7) The Michigan commission on law enforcement standards shall
 17 provide license or certificate information, as applicable, to the
 18 department of state police to verify the requirements of this
 19 section.

20 (8) As used in this section:

21 (a) "Federally licensed firearms dealer" means a person
 22 licensed to sell firearms under 18 USC 923.

23 (b) "Person" means an individual, partnership, corporation,
 24 association, or other legal entity.

25 Sec. 5b. (1) To obtain a license to carry a concealed pistol,
 26 an individual shall apply to the county clerk in the county in
 27 which the individual resides. The applicant shall file the
 28 application with the county clerk in the county in which the
 29 applicant resides during the county clerk's normal business hours.



1 The application must be on a form provided by the director of the
2 department of state police and allow the applicant to designate
3 whether the applicant seeks an emergency license. The applicant
4 shall sign the application under oath. The county clerk or his or
5 her representative shall administer the oath. An application under
6 this subsection is not considered complete until an applicant
7 submits all of the required information and fees and has
8 fingerprints taken under subsection (9). An application under this
9 subsection is considered withdrawn if an applicant does not have
10 fingerprints taken under subsection (9) within 45 days of the date
11 an application is filed under this subsection. A completed
12 application and all receipts issued under this section expire 1
13 year from the date of application. The county clerk shall issue the
14 applicant a receipt for his or her application at the time the
15 application is submitted containing the name of the applicant, the
16 applicant's state-issued driver license or personal identification
17 card number, the date and time the receipt is issued, the amount
18 paid, the name of the county in which the receipt is issued, an
19 impression of the county seal, and the statement, "This receipt was
20 issued for the purpose of applying for a concealed pistol license
21 and for obtaining fingerprints related to that application. This
22 receipt does not authorize an individual to carry a concealed
23 pistol in this state.". The application must contain all of the
24 following:

25 (a) The applicant's legal name, date of birth, the address of
26 his or her primary residence, and his or her state-issued driver
27 license or personal identification card number.

28 (b) A statement by the applicant that the applicant meets the
29 criteria for a license under this act to carry a concealed pistol.



1 (c) A statement by the applicant authorizing the department of
2 state police to access any record needed to perform the
3 verification in subsection (6).

4 (d) A statement by the applicant regarding whether he or she
5 has a history of mental illness that would disqualify him or her
6 under subsection (7)(j) to (l) from receiving a license to carry a
7 concealed pistol.

8 (e) A statement by the applicant regarding whether he or she
9 has ever been convicted in this state or elsewhere for any of the
10 following:

11 (i) Any felony.

12 (ii) A misdemeanor listed under subsection (7)(h) if the
13 applicant was convicted of that misdemeanor in the 8 years
14 immediately preceding the date of the application, or a misdemeanor
15 listed under subsection (7)(i) if the applicant was convicted of
16 that misdemeanor in the 3 years immediately preceding the date of
17 the application.

18 (f) A statement by the applicant whether he or she has been
19 dishonorably discharged from the United States Armed Forces.

20 (g) If an applicant does not have a digitized photograph on
21 file with the secretary of state, a passport-quality photograph of
22 the applicant provided by the applicant at the time of application.

23 (h) A certificate stating that the applicant has completed the
24 training course prescribed by this act.

25 (2) The county clerk shall not require the applicant to submit
26 any additional forms, documents, letters, or other evidence of
27 eligibility for obtaining a license to carry a concealed pistol
28 except as set forth in subsection (1) or as otherwise provided for
29 in this act. The application form must contain a conspicuous



1 warning that the application is executed under oath and that
2 intentionally making a material false statement on the application
3 is a felony punishable by imprisonment for not more than 4 years or
4 a fine of not more than \$2,500.00, or both.

5 (3) An individual who intentionally makes a material false
6 statement on an application under subsection (1) is guilty of a
7 felony punishable by imprisonment for not more than 4 years or a
8 fine of not more than \$2,500.00, or both.

9 (4) The county clerk shall retain a copy of each application
10 for a license to carry a concealed pistol as an official record.
11 One year after the expiration of a concealed pistol license, the
12 county clerk may destroy the record and a name index of the record
13 ~~shall~~**must** be maintained in the database created in section 5e.

14 (5) Each applicant shall pay a nonrefundable application and
15 licensing fee of \$100.00 by any method of payment accepted by that
16 county for payments of other fees and penalties. Except as provided
17 in subsection (9), no other charge, fee, cost, or assessment,
18 including any local charge, fee, cost, or assessment, is required
19 of the applicant except as specifically authorized in this act. The
20 applicant shall pay the application and licensing fee to the
21 county. The county treasurer shall deposit \$26.00 of each
22 application and licensing fee collected under this section in the
23 concealed pistol licensing fund of that county created in section
24 5x. The county treasurer shall forward the balance remaining to the
25 state treasurer. The state treasurer shall deposit the balance of
26 the fee in the general fund to the credit of the department of
27 state police. The department of state police shall use the money
28 received under this act to process the fingerprints and to
29 reimburse the Federal Bureau of Investigation for the costs



1 associated with processing fingerprints submitted under this act.
2 The balance of the money received under this act must be credited
3 to the department of state police.

4 (6) The department of state police shall verify the
5 requirements of subsection (7) (d), (e), (f), (h), (i), (j), (k),
6 and (m) through the law enforcement information network and the
7 national instant criminal background check system and shall report
8 to the county clerk all statutory disqualifications, if any, under
9 this act that apply to an applicant.

10 (7) The county clerk shall issue and shall send by first-class
11 mail a license to an applicant to carry a concealed pistol within
12 the period required under this act if the county clerk determines
13 that all of the following circumstances exist:

14 (a) The applicant is 21 years of age or older.

15 (b) The applicant is a citizen of the United States or is an
16 alien lawfully admitted into the United States, is a legal resident
17 of this state, and has resided in this state for not less than the
18 6 months immediately preceding the date of application. The county
19 clerk shall waive the 6-month residency requirement for an
20 emergency license under section 5a(4) if the applicant is a
21 petitioner for a personal protection order issued under section
22 2950 or 2950a of the revised judicature act of 1961, 1961 PA 236,
23 MCL 600.2950 and 600.2950a, or if the county sheriff determines
24 that there is clear and convincing evidence to believe that the
25 safety of the applicant or the safety of a member of the
26 applicant's family or household is endangered by the applicant's
27 inability to immediately obtain a license to carry a concealed
28 pistol. If the applicant holds a valid concealed pistol license
29 issued by another state at the time the applicant's residency in



1 this state is established, the county clerk shall waive the 6-month
 2 residency requirement and the applicant may apply for a concealed
 3 pistol license at the time the applicant's residency in this state
 4 is established. For the purposes of this section, an individual is
 5 considered a legal resident of this state if any of the following
 6 apply:

7 (i) The individual has a valid, lawfully obtained driver
 8 license issued under the Michigan vehicle code, 1949 PA 300, MCL
 9 257.1 to 257.923, or official state personal identification card
 10 issued under 1972 PA 222, MCL 28.291 to 28.300.

11 (ii) The individual is lawfully registered to vote in this
 12 state.

13 (iii) The individual is on active duty status with the United
 14 States Armed Forces and is stationed outside of this state, but the
 15 individual's home of record is in this state.

16 (iv) The individual is on active duty status with the United
 17 States Armed Forces and is permanently stationed in this state, but
 18 the individual's home of record is in another state.

19 (c) The applicant has knowledge and has had training in the
 20 safe use and handling of a pistol by the successful completion of a
 21 pistol safety training course or class that meets the requirements
 22 of section 5j.

23 (d) Based solely on the report received from the department of
 24 state police under subsection (6), the applicant is not the subject
 25 of an order or disposition under any of the following:

26 (i) Section 464a of the mental health code, 1974 PA 258, MCL
 27 330.1464a.

28 (ii) Section 5107 of the estates and protected individuals
 29 code, 1998 PA 386, MCL 700.5107.



1 (iii) Sections 2950 and 2950a of the revised judicature act of
2 1961, 1961 PA 236, MCL 600.2950 and 600.2950a.

3 (iv) Section 6b of chapter V of the code of criminal procedure,
4 1927 PA 175, MCL 765.6b, if the order has a condition imposed under
5 section 6b(3) of chapter V of the code of criminal procedure, 1927
6 PA 175, MCL 765.6b.

7 (v) Section 16b of chapter IX of the code of criminal
8 procedure, 1927 PA 175, MCL 769.16b.

9 (e) Based solely on the report received from the department of
10 state police under subsection (6), the applicant is not prohibited
11 from possessing, using, transporting, selling, purchasing,
12 carrying, shipping, receiving, or distributing a firearm under
13 section 224f of the Michigan penal code, 1931 PA 328, MCL 750.224f.

14 (f) Based solely on the report received from the department of
15 state police under subsection (6), the applicant has never been
16 convicted of a felony in this state or elsewhere, and a felony
17 charge against the applicant is not pending in this state or
18 elsewhere at the time he or she applies for a license described in
19 this section.

20 (g) The applicant has not been dishonorably discharged from
21 the United States Armed Forces.

22 (h) Based solely on the report received from the department of
23 state police under subsection (6), the applicant has not been
24 convicted of a misdemeanor violation of any of the following in the
25 8 years immediately preceding the date of application and a charge
26 for a misdemeanor violation of any of the following is not pending
27 against the applicant in this state or elsewhere at the time he or
28 she applies for a license described in this section:

29 (i) Section 617a (failing to stop when involved in a personal



1 injury accident), section 625 as punishable under subsection (9) (b)
 2 of that section (operating while intoxicated, second offense),
 3 section 625m as punishable under subsection (4) of that section
 4 (operating a commercial vehicle with alcohol content, second
 5 offense), section 626 (reckless driving), or a violation of section
 6 904(1) (operating while license suspended or revoked, second or
 7 subsequent offense) of the Michigan vehicle code, 1949 PA 300, MCL
 8 257.617a, 257.625, 257.625m, 257.626, and 257.904.

9 (ii) Section 185(7) of the aeronautics code of the state of
 10 Michigan, 1945 PA 327, MCL 259.185 (operating aircraft while under
 11 the influence of intoxicating liquor or a controlled substance with
 12 prior conviction).

13 (iii) Section 29 of the weights and measures act, 1964 PA 283,
 14 MCL 290.629 (hindering or obstructing certain persons performing
 15 official weights and measures duties).

16 (iv) Section 10 of the motor fuels quality act, 1984 PA 44, MCL
 17 290.650 (hindering, obstructing, assaulting, or committing bodily
 18 injury upon director or authorized representative).

19 (v) Section 80176 as punishable under section 80177(1) (b)
 20 (operating vessel under the influence of intoxicating liquor or a
 21 controlled substance, second offense), section 81134 as punishable
 22 under subsection (8) (b) of that section (operating ORV under the
 23 influence of intoxicating liquor or a controlled substance, second
 24 or subsequent offense), or section 82127 as punishable under
 25 section 82128(1) (b) (operating snowmobile under the influence of
 26 intoxicating liquor or a controlled substance, second offense) of
 27 the natural resources and environmental protection act, 1994 PA
 28 451, MCL 324.80176, 324.80177, 324.81134, 324.82127, and 324.82128.

29 (vi) Section 7403 of the public health code, 1978 PA 368, MCL



1 333.7403 (possession of controlled substance, controlled substance
2 analogue, or prescription form).

3 (vii) Section 353 of the railroad code of 1993, 1993 PA 354,
4 MCL 462.353, punishable under subsection (4) of that section
5 (operating locomotive under the influence of intoxicating liquor or
6 a controlled substance, or while visibly impaired, second offense).

7 (viii) Section 7 of 1978 PA 33, MCL 722.677 (displaying sexually
8 explicit matter to minors).

9 (ix) Section 81 (assault or domestic assault), section 81a(1)
10 or (2) (aggravated assault or aggravated domestic assault), section
11 115 (breaking and entering or entering without breaking), section
12 136b(7) (fourth degree child abuse), section 145n (vulnerable adult
13 abuse), section 157b(3)(b) (solicitation to commit a felony),
14 section 215 (impersonating peace officer or medical examiner),
15 section 223 (illegal sale of a firearm or ammunition), section 224d
16 (illegal use or sale of a self-defense spray), ~~section 226a (sale~~
17 ~~or possession of a switchblade), section 227c (improper~~
18 ~~transportation of a loaded firearm),~~ section 229 (accepting a
19 pistol in pawn), section 232a (improperly obtaining a pistol,
20 making a false statement on an application to purchase a pistol, or
21 using false identification to purchase a pistol), section 233
22 (intentionally aiming a firearm without malice), section 234
23 (intentionally discharging a firearm aimed without malice), ~~section~~
24 ~~234d (possessing a firearm on prohibited premises),~~ section 234e
25 (brandishing a firearm in public), section 234f (possession of a
26 firearm by an individual less than 18 years of age), section 235
27 (intentionally discharging a firearm aimed without malice causing
28 injury), section 235a (parent of a minor who possessed a firearm in
29 a weapon free school zone), section 236 (setting a spring gun or



1 other device), section 237 (possessing a firearm while under the
 2 influence of intoxicating liquor or a controlled substance),
 3 section 237a (weapon free school zone violation), section 335a
 4 (indecent exposure), section 411h (stalking), or section 520e
 5 (fourth degree criminal sexual conduct) of the Michigan penal code,
 6 1931 PA 328, MCL 750.81, 750.81a, 750.115, 750.136b, 750.145n,
 7 750.157b, 750.215, 750.223, 750.224d, ~~750.226a, 750.227e,~~ 750.229,
 8 750.232a, 750.233, 750.234, ~~750.234d,~~ 750.234e, 750.234f, 750.235,
 9 750.235a, 750.236, 750.237, 750.237a, 750.335a, 750.411h, and
 10 750.520e.

11 (x) Former section ~~228~~**226a** of the Michigan penal code, 1931
 12 PA 328.

13 (xi) Section 1 (reckless, careless, or negligent use of a
 14 firearm resulting in injury or death), section 2 (careless,
 15 reckless, or negligent use of a firearm resulting in property
 16 damage), or section 3a (reckless discharge of a firearm) of 1952 PA
 17 45, MCL 752.861, 752.862, and 752.863a.

18 (xii) A violation of a law of the United States, another state,
 19 or a local unit of government of this state or another state
 20 substantially corresponding to a violation described in
 21 subparagraphs (i) to (xi).

22 (i) Based solely on the report received from the department of
 23 state police under subsection (6), the applicant has not been
 24 convicted of a misdemeanor violation of any of the following in the
 25 3 years immediately preceding the date of application unless the
 26 misdemeanor violation is listed under subdivision (h) and a charge
 27 for a misdemeanor violation of any of the following is not pending
 28 against the applicant in this state or elsewhere at the time he or
 29 she applies for a license described in this section:



1 (i) Section 625 (operating under the influence), section 625a
2 (refusal of commercial vehicle operator to submit to a chemical
3 test), section 625k (ignition interlock device reporting
4 violation), section 625l (circumventing an ignition interlock
5 device), or section 625m punishable under subsection (3) of that
6 section (operating a commercial vehicle with alcohol content) of
7 the Michigan vehicle code, 1949 PA 300, MCL 257.625, 257.625a,
8 257.625k, 257.625l, and 257.625m.

9 (ii) Section 185 of the aeronautics code of the state of
10 Michigan, 1945 PA 327, MCL 259.185 (operating aircraft under the
11 influence).

12 (iii) Section 81134 (operating ORV under the influence or
13 operating ORV while visibly impaired), or section 82127 (operating
14 a snowmobile under the influence) of the natural resources and
15 environmental protection act, 1994 PA 451, MCL 324.81134 and
16 324.82127.

17 (iv) Part 74 of the public health code, 1978 PA 368, MCL
18 333.7401 to 333.7461 (controlled substance violation).

19 (v) Section 353 of the railroad code of 1993, 1993 PA 354, MCL
20 462.353, punishable under subsection (3) of that section (operating
21 locomotive under the influence).

22 (vi) Section 167 (disorderly person), section 174
23 (embezzlement), section 218 (false pretenses with intent to
24 defraud), section 356 (larceny), section 356d (second degree retail
25 fraud), section 359 (larceny from a vacant building or structure),
26 section 362 (larceny by conversion), section 362a (larceny -
27 defrauding lessor), section 377a (malicious destruction of
28 property), section 380 (malicious destruction of real property),
29 section 535 (receiving or concealing stolen property), or section



1 540e (malicious use of telecommunications service or device) of the
2 Michigan penal code, 1931 PA 328, MCL 750.167, 750.174, 750.218,
3 750.356, 750.356d, 750.359, 750.362, 750.362a, 750.377a, 750.380,
4 750.535, and 750.540e.

5 (vii) A violation of a law of the United States, another state,
6 or a local unit of government of this state or another state
7 substantially corresponding to a violation described in
8 subparagraphs (i) to (vi).

9 (j) Based solely on the report received from the department of
10 state police under subsection (6), the applicant has not been found
11 guilty but mentally ill of any crime and has not offered a plea of
12 not guilty of, or been acquitted of, any crime by reason of
13 insanity.

14 (k) Based solely on the report received from the department of
15 state police under subsection (6), the applicant is not currently
16 and has never been subject to an order of involuntary commitment in
17 an inpatient or outpatient setting due to mental illness.

18 (l) The applicant has filed a statement under subsection (1)(d)
19 that the applicant does not have a diagnosis of mental illness that
20 includes an assessment that the individual presents a danger to
21 himself or herself or to another at the time the application is
22 made, regardless of whether he or she is receiving treatment for
23 that illness.

24 (m) Based solely on the report received from the department of
25 state police under subsection (6), the applicant is not under a
26 court order of legal incapacity in this state or elsewhere.

27 (n) The applicant has a valid state-issued driver license or
28 personal identification card.

29 (8) Upon entry of a court order or conviction of 1 of the



1 enumerated prohibitions for using, transporting, selling,
2 purchasing, carrying, shipping, receiving, or distributing a
3 firearm in this section the department of state police shall
4 immediately enter the order or conviction into the law enforcement
5 information network. For purposes of this act, information of the
6 court order or conviction must not be removed from the law
7 enforcement information network, but may be moved to a separate
8 file intended for the use of the department of state police, the
9 courts, and other government entities as necessary and exclusively
10 to determine eligibility to be licensed under this act.

11 (9) An individual, after submitting an application and paying
12 the fee prescribed under subsection (5), shall request that
13 classifiable fingerprints be taken by a county clerk, the
14 department of state police, a county sheriff, a local police
15 agency, or other entity, if the county clerk, department of state
16 police, county sheriff, local police agency, or other entity
17 provides fingerprinting capability for the purposes of this act. An
18 individual who has had classifiable fingerprints taken under
19 section 5a(4) does not need additional fingerprints taken under
20 this subsection. If the individual requests that classifiable
21 fingerprints be taken by the county clerk, department of state
22 police, county sheriff, a local police agency, or other entity, the
23 individual shall also pay a fee of \$15.00 by any method of payment
24 accepted for payments of other fees and penalties. A county clerk
25 shall deposit any fee it accepts under this subsection in the
26 concealed pistol licensing fund of that county created in section
27 5x. The county clerk, department of state police, county sheriff,
28 local police agency, or other entity shall take the fingerprints
29 within 5 business days after the request. County clerks, the



1 department of state police, county sheriffs, local police agencies,
2 and other entities shall provide reasonable access to
3 fingerprinting services during normal business hours as is
4 necessary to comply with the requirements of this act if the county
5 clerk, department of state police, county sheriff, local police
6 agency, or other entity provides fingerprinting capability for the
7 purposes of this act. The entity providing fingerprinting services
8 shall issue the individual a receipt at the time his or her
9 fingerprints are taken. The county clerk, department of state
10 police, county sheriff, local police agency, or other entity shall
11 not provide a receipt under this subsection unless the individual
12 requesting the fingerprints provides an application receipt
13 received under subsection (1). A receipt under this subsection must
14 contain all of the following:

- 15 (a) The name of the individual.
- 16 (b) The date and time the receipt is issued.
- 17 (c) The amount paid.
- 18 (d) The name of the entity providing the fingerprint services.
- 19 (e) The individual's state-issued driver license or personal
20 identification card number.
- 21 (f) The statement "This receipt was issued for the purpose of
22 applying for a concealed pistol license. As provided in section 5b
23 of 1927 PA 372, MCL 28.425b, if a license or notice of statutory
24 disqualification is not issued within 45 days after the date this
25 receipt was issued, this receipt shall serve as a concealed pistol
26 license for the individual named in the receipt when carried with
27 an official state-issued driver license or personal identification
28 card. The receipt is valid as a license until a license or notice
29 of statutory disqualification is issued by the county clerk. This



1 receipt does not exempt the individual named in the receipt from
2 complying with all applicable laws for the purchase of firearms.".

3 (10) The fingerprints must be taken, under subsection (9), in
4 a manner prescribed by the department of state police. The county
5 clerk, county sheriff, local police agency, or other entity shall
6 immediately forward the fingerprints taken by that entity to the
7 department of state police for comparison with fingerprints already
8 on file with the department of state police. The department of
9 state police shall immediately forward the fingerprints to the
10 Federal Bureau of Investigation. Within 5 business days after
11 completing the verification under subsection (6), the department
12 shall send the county clerk a list of an individual's statutory
13 disqualifications under this act. Except as provided in section
14 5a(4), the county clerk shall not issue a concealed pistol license
15 until he or she receives the report of statutory disqualifications
16 prescribed in this subsection. If an individual's fingerprints are
17 not classifiable, the department of state police shall, at no
18 charge, take the individual's fingerprints again or provide for the
19 comparisons under this subsection to be conducted through
20 alternative means. The county clerk shall not issue a notice of
21 statutory disqualification because an individual's fingerprints are
22 not classifiable by the Federal Bureau of Investigation.

23 (11) The county clerk shall send by first-class mail a notice
24 of statutory disqualification for a license under this act to an
25 individual if the individual is not qualified under subsection (7)
26 to receive that license.

27 (12) A license to carry a concealed pistol that is issued
28 based upon an application that contains a material false statement
29 is void from the date the license is issued.



1 (13) Subject to subsection (10), the department of state
2 police shall complete the verification required under subsection
3 (6) and the county clerk shall issue a license or a notice of
4 statutory disqualification within 45 days after the date the
5 individual has classifiable fingerprints taken under subsection
6 (9). The county clerk shall include an indication on the license if
7 an individual is exempt from the prohibitions against carrying a
8 concealed pistol on premises described in section 50 if the
9 applicant provides acceptable proof that he or she qualifies for
10 that exemption. If the county clerk receives notice from a county
11 sheriff or chief law enforcement officer that a licensee is no
12 longer a member of a sheriff's posse, an auxiliary officer, or a
13 reserve officer, the county clerk shall notify the licensee that he
14 or she shall surrender the concealed pistol license indicating that
15 the individual is exempt from the prohibitions against carrying a
16 concealed pistol on premises described in section 50. The licensee
17 shall, within 30 days after receiving notice from the county clerk,
18 surrender the license indicating that the individual is exempt from
19 the prohibitions against carrying a concealed pistol on premises
20 described in section 50 and obtain a replacement license after
21 paying the fee required under subsection (15). If the county clerk
22 issues a notice of statutory disqualification, the county clerk
23 shall within 5 business days do all of the following:

24 (a) Inform the individual in writing of the reasons for the
25 denial or disqualification. Information under this subdivision
26 ~~shall~~**must** include all of the following:

27 (i) A statement of each statutory disqualification identified.

28 (ii) The source of the record for each statutory
29 disqualification identified.



1 (iii) The contact information for the source of the record for
2 each statutory disqualification identified.

3 (b) Inform the individual in writing of his or her right to
4 appeal the denial or notice of statutory disqualification to the
5 circuit court as provided in section 5d.

6 (c) Inform the individual that he or she should contact the
7 source of the record for any statutory disqualification to correct
8 any errors in the record resulting in the statutory
9 disqualification.

10 (14) If a license or notice of statutory disqualification is
11 not issued under subsection (13) within 45 days after the date the
12 individual has classifiable fingerprints taken under subsection
13 (9), the receipt issued under subsection (9) serves as a concealed
14 pistol license for purposes of this act when carried with a state-
15 issued driver license or personal identification card and is valid
16 until a license or notice of statutory disqualification is issued
17 by the county clerk.

18 (15) If an individual licensed under this act to carry a
19 concealed pistol moves to a different county within this state, his
20 or her license remains valid until it expires or is otherwise
21 suspended or revoked under this act. An individual may notify a
22 county clerk that he or she has moved to a different address within
23 this state for the purpose of receiving the notice under section
24 5l(1). A license to carry a concealed pistol that is lost, stolen,
25 defaced, or replaced for any other reason may be replaced by the
26 issuing county clerk for a replacement fee of \$10.00. A county
27 clerk shall deposit a replacement fee under this subsection in the
28 concealed pistol licensing fund of that county created in section
29 5x.



1 (16) If a license issued under this act is suspended or
2 revoked, the license is forfeited and the individual shall return
3 the license to the county clerk forthwith by mail or in person. The
4 county clerk shall retain a suspended or revoked license as an
5 official record 1 year after the expiration of the license, unless
6 the license is reinstated or a new license is issued. The county
7 clerk shall notify the department of state police if a license is
8 suspended or revoked. The department of state police shall enter
9 that suspension or revocation into the law enforcement information
10 network. An individual who fails to return a license as required
11 under this subsection after he or she was notified that his or her
12 license was suspended or revoked is guilty of a misdemeanor
13 punishable by imprisonment for not more than 93 days or a fine of
14 not more than \$500.00, or both.

15 (17) An applicant or an individual licensed under this act to
16 carry a concealed pistol may be furnished a copy of his or her
17 application under this section upon request and the payment of a
18 reasonable fee not to exceed \$1.00. The county clerk shall deposit
19 any fee collected under this subsection in the concealed pistol
20 licensing fund of that county created in section 5x.

21 (18) This section does not prohibit the county clerk from
22 making public and distributing to the public at no cost lists of
23 individuals who are certified as qualified instructors as
24 prescribed under section 5j.

25 (19) A county clerk issuing an initial license or renewal
26 license under this act shall mail the license to the licensee by
27 first-class mail in a sealed envelope. Upon payment of the fee
28 under subsection (15), a county clerk shall issue a replacement
29 license in person at the time of application for a replacement



1 license. A county clerk may also deliver a replacement license by
2 first-class mail if the individual submits to the clerk a written
3 request and a copy of the individual's state-issued driver license
4 or personal identification card.

5 (20) A county clerk, county sheriff, county prosecuting
6 attorney, police department, or the department of state police is
7 not liable for civil damages as a result of issuing a license under
8 this act to an individual who later commits a crime or a negligent
9 act.

10 (21) An individual licensed under this act to carry a
11 concealed pistol may voluntarily surrender that license without
12 explanation. A county clerk shall retain a surrendered license as
13 an official record for 1 year after the license is surrendered. If
14 an individual voluntarily surrenders a license under this
15 subsection, the county clerk shall notify the department of state
16 police. The department of state police shall enter into the law
17 enforcement information network that the license was voluntarily
18 surrendered and the date the license was voluntarily surrendered.

19 (22) As used in this section:

20 (a) "Acceptable proof" means any of the following:

21 (i) For a retired police officer or retired law enforcement
22 officer, the officer's retired identification or a letter from a
23 law enforcement agency stating that the retired police officer or
24 law enforcement officer retired in good standing.

25 (ii) For an individual who is employed or contracted by an
26 entity described under section 50(1) to provide security services,
27 a letter from that entity stating that the employee is required by
28 his or her employer or the terms of a contract to carry a concealed
29 firearm on the premises of the employing or contracting entity and



1 his or her employee identification.

2 (iii) For an individual who is licensed as a private
3 investigator or private detective under the professional
4 investigator licensure act, 1965 PA 285, MCL 338.821 to 338.851,
5 his or her license.

6 (iv) For an individual who is a corrections officer of a county
7 sheriff's department, his or her employee identification and a
8 letter stating that the individual has received county sheriff
9 approved weapons training.

10 (v) For an individual who is a retired corrections officer of
11 a county sheriff's department, a letter from the county sheriff's
12 office stating that the retired corrections officer retired in good
13 standing and that the individual has received county sheriff
14 approved weapons training.

15 (vi) For an individual who is a motor carrier officer or
16 capitol security officer of the department of state police, his or
17 her employee identification.

18 (vii) For an individual who is a member of a sheriff's posse,
19 his or her identification.

20 (viii) For an individual who is an auxiliary officer or reserve
21 officer of a police or sheriff's department, his or her employee
22 identification.

23 (ix) For an individual who is a parole, probation, or
24 corrections officer, or absconder recovery unit member, of the
25 department of corrections, his or her employee identification and
26 proof that the individual obtained a Michigan department of
27 corrections weapons permit.

28 (x) For an individual who is a retired parole, probation, or
29 corrections officer, or retired absconder recovery unit member, of



1 the department of corrections, a letter from the department of
2 corrections stating that the retired parole, probation, or
3 corrections officer, or retired absconder recovery unit member,
4 retired in good standing and proof that the individual obtained a
5 Michigan department of corrections weapons permit.

6 (xi) For a state court judge or state court retired judge, a
7 letter from the judicial tenure commission stating that the state
8 court judge or state court retired judge is in good standing.

9 (xii) For an individual who is a court officer, his or her
10 employee identification.

11 (xiii) For a retired federal law enforcement officer, the
12 identification required under ~~the law enforcement officers safety~~
13 ~~act~~ **18 USC 926c** or a letter from a law enforcement agency stating
14 that the retired federal law enforcement officer retired in good
15 standing.

16 (xiv) For an individual who is a peace officer, his or her
17 employee identification.

18 (b) "Convicted" means a final conviction, the payment of a
19 fine, a plea of guilty or nolo contendere if accepted by the court,
20 or a finding of guilt for a criminal law violation or a juvenile
21 adjudication or disposition by the juvenile division of probate
22 court or family division of circuit court for a violation that if
23 committed by an adult would be a crime.

24 (c) "Felony" means, except as otherwise provided in this
25 subdivision, that term as defined in section 1 of chapter I of the
26 code of criminal procedure, 1927 PA 175, MCL 761.1, or a violation
27 of a law of the United States or another state that is designated
28 as a felony or that is punishable by death or by imprisonment for
29 more than 1 year. Felony does not include a violation of a penal



1 law of this state that is expressly designated as a misdemeanor.

2 (d) "Mental illness" means a substantial disorder of thought
3 or mood that significantly impairs judgment, behavior, capacity to
4 recognize reality, or ability to cope with the ordinary demands of
5 life, and includes, but is not limited to, clinical depression.

6 (e) "Misdemeanor" means a violation of a penal law of this
7 state or violation of a local ordinance substantially corresponding
8 to a violation of a penal law of this state that is not a felony or
9 a violation of an order, rule, or regulation of a state agency that
10 is punishable by imprisonment or a fine that is not a civil fine,
11 or both.

12 (f) "Treatment" means care or any therapeutic service,
13 including, but not limited to, the administration of a drug, and
14 any other service for the treatment of a mental illness.

15 Sec. 5o. (1) Subject to subsection (5), an individual licensed
16 under this act to carry a concealed pistol, or who is exempt from
17 licensure under section 12a(h), shall not carry a concealed pistol
18 on the premises of ~~any of the following:~~

19 ~~(a) A school or school property except that a parent or~~
20 ~~legal guardian of a student of the school is not precluded from~~
21 ~~carrying a concealed pistol while in a vehicle on school property,~~
22 ~~if he or she is dropping the student off at the school or picking~~
23 ~~up the student from the school. As used in this section, "school"~~
24 ~~and "school property" mean those terms as defined in section 237a~~
25 ~~of the Michigan penal code, 1931 PA 328, MCL 750.237a.~~

26 ~~(b) A public or private child care center or day care center,~~
27 ~~public or private child caring institution, or public or private~~
28 ~~child placing agency.~~

29 ~~(c) A sports arena or stadium.~~



1 ~~(d) A bar or tavern licensed under the Michigan liquor control~~
 2 ~~code of 1998, 1998 PA 58, MCL 436.1101 to 436.2303, where the~~
 3 ~~primary source of income of the business is the sale of alcoholic~~
 4 ~~liquor by the glass and consumed on the premises. This subdivision~~
 5 ~~does not apply to an owner or employee of the business. The~~
 6 ~~Michigan liquor control commission shall develop and make available~~
 7 ~~to holders of licenses under the Michigan liquor control code of~~
 8 ~~1998, 1998 PA 58, MCL 436.1101 to 436.2303, an appropriate sign~~
 9 ~~stating that "This establishment prohibits patrons from carrying~~
 10 ~~concealed weapons". The owner or operator of an establishment~~
 11 ~~licensed under the Michigan liquor control code of 1998, 1998 PA~~
 12 ~~58, MCL 436.1101 to 436.2303, may post the sign developed under~~
 13 ~~this subdivision.~~

14 ~~(e) Any property or facility owned or operated by a church,~~
 15 ~~synagogue, mosque, temple, or other place of worship, unless the~~
 16 ~~presiding official or officials of the church, synagogue, mosque,~~
 17 ~~temple, or other place of worship permit the carrying of concealed~~
 18 ~~pistol on that property or facility.~~

19 ~~(f) An entertainment facility with a seating capacity of 2,500~~
 20 ~~or more individuals that the individual knows or should know has a~~
 21 ~~seating capacity of 2,500 or more individuals or that has a sign~~
 22 ~~above each public entrance stating in letters not less than 1 inch~~
 23 ~~high a seating capacity of 2,500 or more individuals.~~

24 ~~(g) A hospital.~~

25 ~~(h) A dormitory or classroom of a community college, college,~~
 26 ~~or university.~~

27 (2) Subject to subsection (5), an individual shall not carry a
 28 portable device that uses electro-muscular disruption technology on
 29 any of the premises described in subsection (1).



1 (3) An individual licensed under this act to carry a concealed
2 pistol, or who is exempt from licensure under section 12a(h), shall
3 not carry a concealed pistol in violation of R 432.1212 of the
4 Michigan Administrative Code promulgated under the Michigan gaming
5 control and revenue act, 1996 IL 1, MCL 432.201 to 432.226.

6 (4) As used in subsection (1), "premises" does not include
7 parking areas of the places identified under subsection (1).

8 (5) Subsections (1) and (2) do not apply to any of the
9 following:

10 (a) An individual licensed under this act who is a retired
11 police officer, retired law enforcement officer, or retired federal
12 law enforcement officer.

13 (b) An individual who is licensed under this act and who is
14 employed or contracted by an entity described under subsection (1)
15 to provide security services and is required by his or her employer
16 or the terms of a contract to carry a concealed firearm on the
17 premises of the employing or contracting entity.

18 (c) An individual who is licensed as a private investigator or
19 private detective under the professional investigator licensure
20 act, 1965 PA 285, MCL 338.821 to 338.851.

21 (d) An individual who is licensed under this act and who is a
22 corrections officer of a county sheriff's department or who is
23 licensed under this act and is a retired corrections officer of a
24 county sheriff's department, if that individual has received county
25 sheriff approved weapons training.

26 (e) An individual who is licensed under this act and who is a
27 motor carrier officer or capitol security officer of the department
28 of state police.

29 (f) An individual who is licensed under this act and who is a



1 member of a sheriff's posse.

2 (g) An individual who is licensed under this act and who is an
3 auxiliary officer or reserve officer of a police or sheriff's
4 department.

5 (h) An individual who is licensed under this act and who is
6 any of the following:

7 (i) A parole, probation, or corrections officer, or absconder
8 recovery unit member, of the department of corrections, if that
9 individual has obtained a Michigan department of corrections
10 weapons permit.

11 (ii) A retired parole, probation, or corrections officer, or
12 retired absconder recovery unit member, of the department of
13 corrections, if that individual has obtained a Michigan department
14 of corrections weapons permit.

15 (i) A state court judge or state court retired judge who is
16 licensed under this act.

17 (j) An individual who is licensed under this act and who is a
18 court officer.

19 (k) An individual who is licensed under this act and who is a
20 peace officer.

21 (6) An individual who violates this section is responsible for
22 a state civil infraction or guilty of a crime as follows:

23 (a) Except as provided in subdivisions (b) and (c), the
24 individual is responsible for a state civil infraction and may be
25 fined not more than \$500.00. The court shall order the individual's
26 license to carry a concealed pistol suspended for 6 months.

27 (b) For a second violation, the individual is guilty of a
28 misdemeanor punishable by a fine of not more than \$1,000.00. The
29 court shall order the individual's license to carry a concealed



1 pistol revoked.

2 (c) For a third or subsequent violation, the individual is
3 guilty of a felony punishable by imprisonment for not more than 4
4 years or a fine of not more than \$5,000.00, or both. The court
5 shall order the individual's license to carry a concealed pistol
6 revoked.

7 Sec. 12. (1) Section 2 does not apply to any of the following:

8 (a) A police or correctional agency of the United States or of
9 this state or any subdivision of this state.

10 (b) The United States ~~army, air force, navy, or marine~~
11 ~~corps.~~ **Army, Air Force, Navy, or Marine Corps.**

12 (c) An organization authorized by law to purchase or receive
13 weapons from the United States or from this state.

14 (d) The ~~national guard, armed forces reserves,~~ **National Guard,**
15 **United States Armed Forces Reserves,** or other duly authorized
16 military organization.

17 (e) A member of an entity or organization described in
18 subdivisions (a) through (d) for a pistol while engaged in the
19 course of his or her duties with that entity or while going to or
20 returning from those duties.

21 (f) A United States citizen holding a license to carry a
22 pistol concealed upon his or her person issued by another state.

23 (g) The regular and ordinary possession and transportation of
24 a pistol as merchandise by an authorized agent of a person licensed
25 to manufacture firearms or a licensed dealer.

26 (h) Purchasing, owning, carrying, possessing, using, or
27 transporting an antique firearm. As used in this subdivision,
28 "antique firearm" means that term as defined in section ~~231a-237a~~
29 of the Michigan penal code, 1931 PA 328, MCL ~~750.231a-750.237a~~.



1 (i) An individual carrying, possessing, using, or transporting
2 a pistol belonging to another individual, if the other individual's
3 possession of the pistol is authorized by law and the individual
4 carrying, possessing, using, or transporting the pistol has
5 obtained a license under section 5b to carry a concealed pistol or
6 is exempt from licensure as provided in section 12a.

7 (2) The amendatory act that added subsection (1)(h) shall be
8 known and may be cited as the "Janet Kukuk act".

9 Sec. 15. (1) Except as provided in subsection (2), a federally
10 licensed firearms dealer shall not sell a firearm in this state
11 unless the sale includes 1 of the following:

12 (a) A commercially available trigger lock or other device
13 designed to disable the firearm and prevent the discharge of the
14 firearm.

15 (b) A commercially available gun case or storage container
16 that can be secured to prevent unauthorized access to the firearm.

17 (2) This section does not apply to any of the following:

18 (a) The sale of a firearm to a police officer or a police
19 agency.

20 (b) The sale of a firearm to a person who presents to the
21 federally licensed firearms dealer 1 of the following:

22 (i) A trigger lock or other device designed to disable the
23 firearm and prevent the discharge of the firearm together with a
24 copy of the purchase receipt for the federally licensed firearms
25 dealer to keep. A separate trigger lock or device and a separate
26 purchase receipt ~~shall be~~ **is** required for each firearm purchased.

27 (ii) A gun case or storage container that can be secured to
28 prevent unauthorized access to the firearm together with a copy of
29 the purchase receipt for the federally licensed firearms dealer to



1 keep. A separate gun case or storage container and a separate
2 purchase receipt ~~shall be~~ **is** required for each firearm purchased.

3 (c) The sale of an antique firearm. As used in this
4 subdivision, "antique firearm" means that term as defined in
5 section ~~231a-237a~~ **237a** of the Michigan penal code, 1931 PA 328, MCL
6 ~~750.231a-750.237a~~ **750.237a**.

7 (d) The sale or transfer of a firearm if the seller is not a
8 federally licensed firearms dealer.

9 (3) A federally licensed firearms dealer shall not sell a
10 firearm in this state unless the firearm is accompanied with, free
11 of charge, a brochure or pamphlet that includes safety information
12 on the use and storage of the firearm in a home environment.

13 (4) Upon the sale of a firearm, a federally licensed firearms
14 dealer shall sign a statement and require the purchaser to sign a
15 statement stating that the sale is in compliance with subsections
16 (1), (2), and (3).

17 (5) A federally licensed firearms dealer shall retain a copy
18 of the signed statements prescribed in subsection (4) and, if
19 applicable, a copy of the receipt prescribed in subsection (2)(b),
20 for at least 6 years.

21 (6) A federally licensed firearms dealer in this state shall
22 post in a conspicuous manner at the entrances, exits, and all
23 points of sale on the premises where firearms are sold a notice
24 that says the following: "You may be criminally and civilly liable
25 for any harm caused by a person less than 18 years of age who
26 lawfully gains unsupervised access to your firearm if unlawfully
27 stored.".

28 (7) A federally licensed firearms dealer is not liable for
29 damages arising from the use or misuse of a firearm if the sale



1 complies with this section, any other applicable law of this state,
2 and applicable federal law.

3 (8) This section does not create a civil action or liability
4 for damages arising from the use or misuse of a firearm or
5 ammunition for a person, other than a federally licensed firearms
6 dealer, who produces a firearm or ammunition.

7 (9) Subject to subsections (10) to (12), a political
8 subdivision shall not bring a civil action against any person who
9 produces a firearm or ammunition. The authority to bring a civil
10 action under this section is reserved exclusively to the state and
11 can be brought only by the attorney general. The court shall award
12 costs and reasonable attorney fees to each defendant named in a
13 civil action filed in violation of this subsection.

14 (10) Subject to subsection (11), subsection (9) does not
15 prohibit a civil action by a political subdivision based on 1 or
16 more of the following, which the court shall narrowly construe:

17 (a) A breach of contract, other contract issue, or an action
18 based on a provision of the uniform commercial code, 1962 PA 174,
19 MCL 440.1101 to ~~440.11102~~, ~~440.9994~~, in which the political
20 subdivision is the purchaser and owner of the firearm or
21 ammunition.

22 (b) Expressed or implied warranties arising from the purchase
23 of a firearm or ammunition by the political subdivision or the use
24 of a firearm or ammunition by an employee or agent of the political
25 subdivision.

26 (c) A product liability, personal injury, or wrongful death
27 action when an employee or agent or property of the political
28 subdivision has been injured or damaged as a result of a defect in
29 the design or manufacture of the firearm or ammunition purchased



1 and owned by the political subdivision.

2 (11) Subsection (10) does not allow an action based on any of
3 the following:

4 (a) A firearm's or ammunition's inherent potential to cause
5 injury, damage, or death.

6 (b) Failure to warn the purchaser, transferee, or user of the
7 firearm's or ammunition's inherent potential to cause injury,
8 damage, or death.

9 (c) Failure to sell with or incorporate into the product a
10 device or mechanism to prevent a firearm or ammunition from being
11 discharged by an unauthorized person unless specifically provided
12 for by contract.

13 (12) Subsections (9) ~~through to~~ (11) do not create a civil
14 action.

15 (13) Subsections (9) ~~through to~~ (11) are intended only to
16 clarify the current status of the law in this state, are remedial
17 in nature, and, therefore, apply to a civil action pending on the
18 effective date of this act.

19 (14) Beginning September 1, 2000, a person who violates this
20 section is guilty of a crime as follows:

21 (a) Except as provided in subdivision (b) or (c), the person
22 is guilty of a misdemeanor punishable by imprisonment for not more
23 than 93 days or a fine of not more than \$500.00, or both.

24 (b) For a second conviction, the person is guilty of a
25 misdemeanor punishable by imprisonment for not more than 1 year or
26 a fine of not more than \$1,000.00, or both.

27 (c) For a third or subsequent conviction, the person is guilty
28 of a felony punishable by imprisonment for not more than 2 years or
29 a fine of not more than \$5,000.00, or both.



1 (15) As used in this section:

2 (a) "Federally licensed firearms dealer" means a person
3 licensed under ~~section 923 of title 18 of the United States Code,~~
4 18 U.S.C. ~~USC~~ 923.

5 (b) "Firearm or ammunition" includes a component of a firearm
6 or ammunition.

7 (c) "Person" means an individual, partnership, corporation,
8 association, or other legal entity.

9 (d) "Political subdivision" means a county, city, village,
10 township, charter township, school district, community college, or
11 public university or college.

12 (e) "Produce" means to manufacture, construct, design,
13 formulate, develop standards for, prepare, process, assemble,
14 inspect, test, list, certify, give a warning or instructions
15 regarding, market, sell, advertise, package, label, distribute, or
16 transfer.

17 Enacting section 1. This amendatory act does not take effect
18 unless Senate Bill No. ____ or House Bill No.4770 (request no.
19 00320'19 *) of the 100th Legislature is enacted into law.

